

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GARY A. PULVER dba PULVER
CONSTRUCTION COMPANY, an
individual,

Plaintiffs,

v.

BARRY KANE, an individual; ANNA KANE,
an individual; and 1059 LAKESHORE
BOULEVARD LLC, a Nevada limited
liability company fka 1059 Lakeshore Drive
LLC,

Defendants.

Case No. 3:20-cv-00673-MMD-CLB

JUDGE MIRANDA M. DU'S
ORDER REGARDING TRIAL
IN CIVIL CASES

1. This case is scheduled for trial before the Honorable Miranda M. Du, United States District Judge, in Reno, Nevada, on the trial stack commencing on **TUESDAY, the 8th day of APRIL 8, 2025, at 9:00 a.m.** This is a **2-week** stack.

2. Motions in Limine. Motions in limine must be filed as one consolidated motion (as opposed to numerous separate motions). Motions in limine must be fully briefed and submitted for decision no later than 30 days before trial. Motions filed after this established deadline will be automatically denied. Counsel¹ are required to meet and confer on the issues raised in the motion in limine before filing the motion and must include a statement certifying compliance with this personal consultation requirement. See LR 16-3(a). Replies will generally not be permitted.

¹The term "counsel" as used in this Order refers to attorneys as well as parties appearing *pro se* unless otherwise indicated.

1 3. Calendar Call. Counsel for all parties and all pro se parties must appear
2 [telephonically if out-of-town attorneys]² in Reno Courtroom 5 on **MONDA, MARCH 17,**
3 **2025, at 9:00 a.m.** for Calendar Call. Unless a party is appearing *pro se*, individual
4 parties are not required to appear for Calendar Call unless the Court directs otherwise.
5 Counsel or their clients will be excused from Calendar Call if, at least five days prior to
6 the scheduled calendar call, settlement papers have been filed, with corresponding
7 notices filed on the docket. If the parties do not meet this deadline, they must attend the
8 Calendar Call.

9 At the Calendar Call, all cases that remain to be tried will be ranked in order of
10 trial with criminal cases taking priority over civil cases. If there is more than one case to
11 be tried, the Court will advise the parties of the order in which the Court intends to try the
12 cases and will give the parties an estimate of the start date of their trial. Thereafter, the
13 Court will not grant a continuance to any party absent a showing of good cause. Unless
14 the Court directs otherwise, the cases will then be tried one after the other on 24 hours'
15 notice from the Clerk.

16 4. STATUS HEARINGS. The Court may conduct a status conference prior to
17 the scheduled Calendar Call. Any party who wishes to request a pretrial status
18 conference must notify the Courtroom Administrator no later than two weeks before
19 Calendar Call. If the Court is satisfied during the status conference that the case is ready
20 for trial, the Court may vacate the Calendar Call.

21 5. WITNESSES. Counsel must immediately subpoena all witnesses for the
22 time and trial date as listed above. Inasmuch as the cases will be tried in a trailing
23 fashion, the subpoenas should contain a special instruction from counsel directing
24 witnesses to contact counsel's office—not the Court—for further instructions prior to
25 appearing for trial. Witnesses are not required to be present at the Calendar Call but

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27 ²Counsel must call 1-888-557-8511, at least 5 minutes before the hearing is
28 scheduled to begin and enter access code 3599743 and password 4825. The use of
speaker phones and cell phones is prohibited.

1 must appear as subpoenaed. Counsel must file their witness lists one week before trial.
2 During trial, counsel and parties appearing *pro se* must provide to the opposing party a
3 list of their witnesses who will be called the trial next day by 3 p.m. the day before. The
4 parties may agree to provide this list earlier, and the Court may adjust the timeline as
5 needed.

6 6. EXHIBITS. Counsel must electronically file their complete exhibit lists—
7 containing all exhibits they intend to use during the trial—one week before trial. Counsel
8 must serve a copy of the same upon opposing counsel in the same time frame. Plaintiffs
9 must use numerals 1 through 499 to number their exhibits, and defendants must use
10 numerals 500 through 999. The exhibits are to be listed on a form provided by the
11 Clerk's Office, and they may be computer-generated if they conform to the requirements
12 of the form that is provided by the Clerk.³ The Court uses the Jury Electronic Recording
13 System ("JERS"). At least five calendar days before trial, the parties must provide the
14 Courtroom Administrator with electronic media (e.g., CD, thumb drive, or hard drive) that
15 contains images of all the exhibits counsel intend to use, in a format specified by the
16 memorandum attached as exhibit 1 to this Order. Counsel should retain copies of their
17 exhibits for use by witnesses in the courtroom if needed. But for clarity, the parties need
18 not prepare any paper exhibits unless the other party is proceeding *pro se*, in which case
19 the represented party should make paper copies of all exhibits and make them available
20 to the *pro se* party such that the exhibits are reasonably accessible to the *pro se* party a
21 reasonable amount of time before trial. If the parties expect they will use many
22 voluminous exhibits or are otherwise concerned about the presentation of exhibits at
23 trial, they must immediately file a joint motion requesting a status conference with the
24 Court and notify the Courtroom Administrator when they have done so.

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27 ³Exhibit list forms can be found at <https://www.nvd.uscourts.gov/>. If Plaintiffs have
28 more than 500 exhibits, Defendants may begin numbering at 1000 or 2000.

1 7. MARKING EXHIBITS. During preparations for trial, counsel for all parties
2 must meet, confer, pre-mark, and exchange all trial exhibits. At least five calendar days
3 before trial, counsel in civil cases must notify Judge Du's Courtroom Administrator that
4 the exhibits have been pre-marked.

5 8. EVIDENCE DISPLAY EQUIPMENT. Counsel may use the Court's
6 evidence display equipment or their own display equipment. Counsel must contact the
7 Courtroom Administrator if they wish to use evidence display equipment, either to
8 reserve the Court's equipment and arrange for training to use the Court's equipment or
9 to arrange a time and date to set up counsel's equipment prior to trial.

10 9. JURY INSTRUCTIONS. Counsel must comply with the Joint Pretrial Order.
11 One week before trial, counsel must file with the Clerk's Office *one* document containing
12 the parties' mutually acceptable jury instructions, disputed jury instructions, and
13 proposed verdict forms.⁴ These jury instructions must include the supporting authority;
14 and for disputed instructions, a brief argument for each instruction as well as the
15 opposing party's objections to the disputed instructions. The Court has found that
16 footnotes are a good way to do this. For example, each disputed instruction should be
17 followed by two footnotes, one explaining why the proponent of the instruction argues
18 the Court should give it, and the other explaining why the other side argues the Court
19 should not. All proposed instructions must be supported by legal authority, such as the
20 Ninth Circuit Manual of Model Jury Instructions. Any modifications of instructions from
21 statutory authority, the Ninth Circuit Manual of Model Jury Instructions, or any other
22 model instructions, must specifically state the modification made to the original source
23 and the authority and argument supporting the modification. The parties can expect that
24 Judge Du will give her standard instructions; please do not propose any of her standard
25 instructions or their equivalents. Instead, please provide only instructions specific to your
26 case. Counsel must provide a copy of their proposed jury instructions in Microsoft Word

27 ⁴Judge Du's standard jury instructions are available at <https://www.nvd.uscourts.gov/court-information/judges/judge-miranda-m-du/>.
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1 file format to chambers by email to the Courtroom Administrator at
2 Karen.Walker@nvd.uscourts.gov.

3 10. SUGGESTED VOIR DIRE QUESTIONS. One week before trial, counsel
4 must file with the Clerk of Court all suggested voir dire questions to be asked of the jury
5 panel by the Court. Counsel must provide a copy of the same in Microsoft Word format
6 to chambers by email to the Courtroom Administrator at
7 Karen.Walker@nvd.uscourts.gov.

8 11. STATEMENT OF THE CASE. One week before trial, counsel must also
9 jointly file with the Clerk of Court a brief joint statement of the case, no longer than one-
10 half page, stating the nature of the claims and defenses, to be read to prospective jurors
11 at the time of jury selection. Counsel must provide a copy of the same in Microsoft Word
12 format to chambers by email to the Courtroom Administrator at
13 Karen.Walker@nvd.uscourts.gov. If the parties cannot agree on a joint statement, they
14 must file separate statements of the case explaining the areas of disagreement.

15 12. TRIAL BRIEFS IN CIVIL CASES. Trial briefs must also be filed one week
16 before trial.

17 13. TRIAL SCHEDULE. Trial will generally begin at 9:00 a.m. and end at 3 or
18 3:30pm. However, parties should plan to be available between 8:30 and 9:00 a.m. and
19 after the end of each trial day to address matters outside the presence of the jury. This
20 standard trial schedule may be modified for good cause; however, requests should be
21 submitted at Calendar Call or before the written trial schedule is issued to jurors. The
22 Court generally takes a morning recess of about fifteen minutes and a later lunch of
23 about thirty minutes. The Court accordingly advises the parties to bring lunch or make
24 lunch arrangements in advance.

25 14. TRIAL JUDGE. Although the cases that are on the trial stack are assigned
26 to Judge Du, the cases may proceed to trial before another Nevada district judge or a
27 visiting district judge.
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